

PM 8557

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

April 18, 1995

The Honorable Shirley Horton
Mayor
City of Chula Vista
276 Fourth Avenue
Chula Vista, California 91910

DOCKET FILE COPY ORIGINAL

Re: Cellular Telecommunications Industry Association's Petition to
Preempt State and Local Zoning Regulations

Dear Mayor Horton:

Thank you very much for your letter about the petition filed by the Cellular Telecommunications Industry Association (CTIA). This petition asks the Commission to begin a rule making proceeding to preempt state and local regulation of tower siting for commercial mobile radio service providers, such as cellular and personal communications service (PCS) companies. I am very interested in this issue, and welcomed the opportunity to hear your thoughts on it.

I certainly understand your concerns about the CTIA petition and its impact on the role of local jurisdictions in the cell siting process. Traditionally, cell siting issues are handled at the local level. By and large, this situation has been appropriate, given that zoning and land use issues involve uniquely local concerns, such as aesthetics and compliance with local building codes or other health and safety codes. I believe local authorities should continue to play a key role in these decisions.

However, as the demand for sites for wireless carriers continues to mushroom, I am also concerned about the ability of wireless providers to build out their networks without undue delay. There are many benefits to having national or regional wireless communications systems -- emergency communication abilities are enhanced, and people use wireless communications to become more efficient and productive. Further, new PCS licensees are paying the U.S. treasury billions of dollars for their licenses, which are regional and national in nature. I think it's fair for the federal government to ensure that these licensees are able to build their facilities throughout their service areas in a timely fashion. Moreover, some carriers complain that some localities may like to put a moratorium on all wireless cell sites in

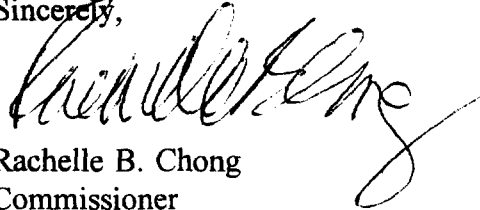
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certain geographic areas. For this reason, I believe the Commission also has an important role to play in this area to ensure ubiquitous and broad coverage without undue delay.

Having said that, I have not yet made any decisions about the CTIA petition. I believe that the Commission must balance the federal interest in ensuring the development of a competitive, efficient mobile services infrastructure against the legitimate interests of local governments in regulating zoning and land use matters. I am open to considering all options available to the Commission to strike the appropriate balance, and hope that you will work with us to find an acceptable solution for both our concerns.

I appreciate your taking the time to share your concerns with me. I will certainly keep them in mind as we consider the CTIA petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachelle B. Chong', written in a cursive style.

Rachelle B. Chong
Commissioner



OFFICE OF THE CITY COUNCIL

March 22, 1995

William Canton, Acting Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, DC 20036

RE: Request to **OPPOSE** petition for rule making to preempt local zoning and other regulation of Commercial Mobile Radio Service (CMRS) facilities - (RM-8577)

Dear Mr. Canton:

The City of Chula Vista, in keeping with the guidelines established in the City's Legislative Program, has taken unanimous action to oppose efforts to preempt local land use review in the siting of cellular communications facilities.

The Cellular Communications Industry Associations have filed a petition for rule making before the Federal Communications Commission (FCC) in response to perceived barriers to entry placed by state and local land use and other regulations. This action would preempt state and local regulation of the siting of communications towers for commercial mobile radio services.

In the last two years, Chula Vista has been involved in siting issues for six cellular communications facilities. Each has involved citizen input and consideration of varying aesthetic, topographical, and antenna clustering concerns, while still meeting the needs of an important and growing high-technology industry in a responsive and timely manner.

Under this rule, state and local input into such siting decisions would disappear. While this action might "streamline" regulations, it would do so at the cost of implementing a "one-size fits-all" rule nationwide. As we have learned though the Clean Water Act and other centralized quick-fixes, "one-size-fits-all" seldom does, and the results are a side-stepped democratic process and poorly-planned infrastructure.

On behalf of the City of Chula Vista, I respectfully request that you continue to grant local entities the flexibility to respond to individual land use issues on a local level and strenuously oppose any efforts to preempt state or local roles in communications tower siting decisions.

Sincerely,


Shirley Horton
Mayor

cc: FCC Chairman Reed Hundt
Commissioner Andrew Barrett
Commissioner Rachelle Chong
Commissioner James Cuello
Commissioner Susan Ness
Senator Barbara Boxer
Senator Dianne Feinstein
Congressman Bob Filner
Congressman Brian Bilbray
Congressman Randy Cunningham
Congressman Duncan Hunter

Congressman Ron Packard
Joseph DeUlios, CPUC, Safety and Enforcement Division
Robert Feraru, CPUC, Public Advisor
Emy Youngemith, CPUC, Safety and Enforcement Division
Senator Steve Peace
Assemblywoman Denise Ducheny
Assemblyman Steve Baldwin
Mike McLaughlin, SANDAG, Director of Land Use
Garry Bonelli, SANDAG, Director of Communications
League of California Cities
Advocation, Inc.

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